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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Educational Development Inc., a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 August 1994]

Serbian aggression in Croatia and Bosnia and Herzegovina

1. According to data of the relevant international organizations and governmental institutions in Sarajevo (Bosnia and Herzegovina), there are more than 1,250,000 displaced persons and refugees who have fled the country.

2. The Institute for Health Protection of the Republic of Bosnia and Herzegovina provides data on the war destruction in Bosnia and Herzegovina in a report covering 31 December 1991, to the last days of July 1994. According to this report, 143,505 persons have been killed, 165,270 persons have been

wounded, of whom 72,842 are critically wounded and 12,000 have been permanently disabled. The mortality rate has risen six times. About 80 per cent of people who have died in that period died as a result of war crimes. Sixty-nine thousand, one hundred and fifty-six civilians have been shot, 12,843 have been garrotted and 2,928 have been strangled, 445 women died as a result of rape, 26,301 have been killed in unidentified ways, 1,951 were frozen to death, 26,175 are missing. Sixteen thousand, six hundred and seventy-six children have been killed or disappeared, and 34,287 children have been wounded, of whom 18,321 are seriously wounded, and 1,820 children are permanently disabled.

3. According to the official records of the Division of Information and Research, Ministry of Health of the Republic of Croatia (dated 1 August 1994), 28,636 citizens of Croatia have been wounded and 7,336 killed (on the basis of reports of commanders of Croatian army units, an additional 1,200 deceased soldiers should be included) as the direct result of aggressive attacks of Yugoslav army and Serbian paramilitary troops. Among these casualties, there were 8,550 wounded civilians (among them 902 children, 3 priests and 29 medical doctors or other members of medical personnel) and 2,669 killed (among them 247 children, 2 priests and 5 medical doctors or other members of medical personnel) while the remaining casualties are represented by members of Croatian defence forces. These data alone point to the unusually high proportion of civilians among the total casualties (one third of all wounded and killed). However these data represent only the minimal number of firmly ascertained casualties (based on medical and autopsy records) and therefore they significantly underestimate the total number of casualties. The following data represent the estimation of additional casualties and they also point out clearly that the proportion of civilian casualties is definitively much higher.

4. According to a number of well-documented independent testimonies of survivors and eye-witnesses, at least 1,000 Croatian civilians (mostly elderly people over 60 years of age) were massacred, executed or brutally murdered by Serbian paramilitaries in a number of villages within the currently occupied part of the Croatian territory (in the regions of Eastern Slavonia excluding Vukovar; Western Slavonia; Banija; Kordun; Lika and Dalmatia). Additional killings of Croatian civilians (at least 500 victims) occurred in UNPROFOR Sector East (Baranja and Vukovar) and Sector South (Benkovac, Zadar hinterland) after UNPROFOR had taken responsibility in these occupied parts of Croatia.

5. According to the present official data, there were at least 1,851 citizens of Croatia killed in the town of Vukovar, as follows: 590 recorded in the Division of Information and Research, Ministry of Health, as at 6 November 1991; 709 as listed on the "List of identified dead" presented by Yugoslav army pathologists after the occupation of Vukovar; 266 persons executed or murdered after the occupation in Vukovar itself or subsequently in Serbian camps, according to written testimonies of survivors and eyewitnesses, and 286 according to the list compiled by grave-diggers from Vukovar. However, since there are still 2,642 missing or disappeared persons from Vukovar (who disappeared after the occupation of Vukovar by the Yugoslav army - 294 of them disappeared directly from Vukovar hospital, as follows: 18 employees of Vukovar hospital, 25 members of hospital assisting personnel,

57 civilians and 194 wounded patients), and we have every reason to believe that most of them were killed, too, we estimate the total number of casualties in Vukovar to be about 4,500 to 5,000 people. About 70 per cent of them were either civilians or members of the civilian defence organization of the town.

6. As a consequence of a number of summary executions and arbitrary mass killings of Croatian civilians and soldiers, jointly committed by Yugoslav army and Serbian paramilitary troops, there are at present a number of mass graves within the occupied part of Croatia (UNPROFOR Sectors East, West, North and South as well as the so-called "pink zones"). The exact number of mass graves and victims of summary executions is still unknown. However, to illustrate the extent and brutality of that kind of war crime, here we offer a concise and selective list of 11 such localities (the probable number of victims murdered and buried at each locality is given in brackets) within the present UNPROFOR Sector "E" only: (i) Ovčara (about 300 victims); (ii) five localities within the town of Vukovar: sports stadium "Sloga" (120 victims), near the shop "Kivi" (about 360 victims), New Cemetry of Vukovar (about 1,200 victims), Old Brickery building at Sajmište (about 250 victims), Gelesova Dol near Petrova Gora (about 70 victims); (iii) Lovas (about 140 victims); (iv) Tovarnik - four mass graves with about 250 victims; (v) Jakobovac (about 300 victims); (vi) Petrovci (16 victims); (vii) Ernestinovo (several mass graves); (viii) Tordinci (208 victims); (ix) Dalj (about 300 victims); (x) Berak (32 victims) and (xi) Bogdanovci-Vukovar line (over 300 persons disappeared in this area).

7. Furthermore, the total number of still missing persons in Croatia (according to the matched and updated lists of the Croatian Red Cross Tracing Service and the Government's Office for the Victims of War, dated 10 February 1994) is 7,827 persons. During the recent action (beginning of 1994) to collect detailed information for tracing missing persons, data were assembled and dossiers completed with all known circumstances of disappearances, witnesses' testimonies and ante-mortem data for 38 per cent of the total number of requests.

8. As at 22 February 1994, the Office for the Victims of the War had recorded 14,000 war invalids, among them 6,000 with serious body impairments, classified according to the strict WHO criteria Furthermore, 97 children with serious bodily impairments have been registered to date.

9. As at 22 February 1993, the Division of Information and Research Ministry of Health of the Republic of Croatia had recorded 6,660 persons released through exchange from Serbian concentration camps and prisons.

10. According to the results of comprehensive medical examinations, about 90 per cent of all detainees were maltreated and tortured; extensive medical documentation about the victims of torture in detention has been collected. Furthermore, medical institutions of Croatia are in possession of complete documentation on 50 cases of sexual abuse as well as incomplete documentation on an additional 120 cases of sexual abuse.

11. On 25 May 1994, the Office for Refugees and Displaced Persons of the Government of the Republic of Croatia had registered 247,128 displaced persons within Croatia plus 267,138 refugees from Bosnia and Herzegovina, i.e., the total of 514,266 displaced persons and refugees in Croatia.

12. International Educational Development/Humanitarian Law Project appeals to the international community to take adequate and urgent measures to help solve the very serious problems in the territory of the former Yugoslavia. The possibility that the war will continue or spread in that area is still very high, because the Serbian population in those regions do not want to return the occupied territories of Croatia and Bosnia and Herzegovina, but wants them "ethnically clean". The desire for a "Greater Serbia" is still present in Serbian people and by the Governments of the Republic of Serbia and the Republic of Montenegro.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 August 1994]

Draft United Nations declaration on the rights of indigenous peoples

1. On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative Indian organization in the United States, the Indian Law Resource Center expresses its support for the draft United Nations declaration on the rights of indigenous peoples in its current form.

2. The member tribes of the NCAI have repeatedly shown their support for the declaration and have adopted resolutions to that effect. Attached is the text of resolution NV-93-131 ("Resolution to support and promote the adoption of the draft United Nations declaration of the rights of indigenous peoples"), adopted by NCAI in December 1993.

3. In the light of the critical situations indigenous peoples find themselves in, and in keeping with the letter and spirit of resolution NV-93-131, NCAI takes every opportunity to promote and works to ensure that the declaration is considered and adopted without delay.

4. The draft declaration should be referred by the Sub-Commission to the Commission on Human Rights this year, without change; it would be most productive to work on the declaration at the Commission level.

NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION NO. NV-93-131

Resolution to support and promote the adoption of the draft United Nations declaration of the rights of indigenous peoples

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

Whereas, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

Whereas, it is appropriate for the NCAI to support all indigenous peoples, both in the United States and elsewhere, in their efforts to protect their sovereignty, defend their rights, and preserve their cultures; and

Whereas, indigenous peoples throughout the world, including the United States, have historically been and continue to be subject to legally invalid, morally condemnable and socially unjust violations of their individual and collective human rights and fundamental freedoms; and

Whereas, such violations result in the taking of indigenous peoples' lands, territories and resources, as well as economic deprivation and social marginalization of indigenous peoples and the destruction of indigenous sovereignty, culture, and spiritually; and

Whereas, the United Nations Working Group on the Rights of Indigenous Populations has, in August 1993, completed a decade of preparatory work on the draft declaration on the rights of indigenous peoples that will proclaim and help strengthen the rights of American Indians, Alaska Natives and all other indigenous peoples in the world; and

Whereas, the proposed declaration recognizes and declares that collective rights of indigenous peoples to self-determination, by virtue of which they may freely determine their political status and freely pursue the economic, social, and cultural development; and

Whereas, NCAI has, by Resolution No. MID GB9301, resolved to give priority attention to improvement of the draft declaration; encouraged the United States Government to support adoption of the strongest and most effective declaration possible and to take all possible steps to respect and promote all the rights contained therein; and encouraged the member Nations of NCAI to participate in the work of the United Nations toward adoption of the declaration and to join in building support for the declaration; and

Whereas, the United States Congress has, by Concurrent Resolution, S. Con. Res. 44, resolved to support the United Nations in its efforts to establish international standards on the rights of indigenous peoples, urged the United Nations, to proclaim an International Decade of the World's Indigenous Peoples and resolved to address the rights and improve the social and economic conditions of indigenous peoples in the United States; now

Therefore be it resolved, that NCAI does hereby fully support and will actively promote the adoption of the draft United Nations declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group on Indigenous Populations at its eleventh session, 1993, by the General Assembly of the United Nations.

Be it further resolved, that NCAI calls on the United States Government and all tribal and state governments to support and promote the draft declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group on Indigenous Populations at its eleventh session, 1993; urges the United States Congress and tribal and state legislatures to pass resolutions requesting the United States Government to actively support and participate in the adoption of this draft declaration; and calls on national, state and tribal legislative bodies to hold hearings to promote this draft declaration.

Be it further resolved, that NCAI supports and urges formal adoption of the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its 1993 session calling for:

- Special measures to permit legitimate indigenous representatives to participate in the consideration of the draft declaration without having credentials as non-governmental organizations.

- The Secretary-General to consider establishing a permanent forum for indigenous peoples in the United Nations system.

- Endorsement of the recommendation of the World Conference of Human Rights that the United Nations General Assembly proclaim an international decade of the world's indigenous peoples to begin from January 1994.

- The United Nations to hold an international seminar on the topic of indigenous land rights and land claim procedures.

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Joint written statement submitted by the Commission for the Defense of Human Rights in Central America, Pax Romana and Service Peace and Justice in Latin America, non-governmental organizations in consultative status (category II), and by International Educational Development, the International Federation of ACAT and the Movement against Racism and for Friendship among Peoples, non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 August 1994]

The situation in Sri Lanka

1. For the past 10 years the Sub-Commission has heard hundreds of statements raising grave concern at the failure to resolve the armed conflict on the island of Sri Lanka. Yet the conflict continues and innocent lives continue to be lost.

2. During recent months the Sri Lankan Government has intensified its indiscriminate aerial bombardment of the north of the Tamil homeland and the three-year-old economic blockade continues. Since the last session of the Sub-Commission, several hundred Tamils have been arrested in the east of the Tamil homeland by Sri Lanka's military and paramilitary forces and many have "disappeared". Recent Amnesty International reports confirm that in Colombo thousands of young Tamils have been arbitrarily arrested and detained.

3. At the same time the Sri Lankan Government plans to hold local government elections in the east on 1 March at a time when several thousand Tamils have been displaced from the East (see E/CN.4/1994/44/Add.1) and have sought refuge in the north of the Tamil homeland.

4. The Sri Lankan Government has rejected a number of offers to mediate including one made in August 1993 by four Nobel Laureates. The Government continues with its military operations against the Tamil people and the Sri Lankan President continues to insist that there is no ethnic problem.

5. In the view of the submitting organizations the situation on the island is extremely serious and demands the urgent attention of the Sub-Commission. We request the Sub-Commission to adopt a resolution calling upon the two parties to the conflict, the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam, to enter into a cease-fire and to commence negotiations with a view to establishing peace in the island and securing the right to self-determination of the Tamil people.